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## **Hoekstra: House Approves Deeply Flawed FISA Bill**

*Burdens Intelligence Professionals, Troops with Lawyers and Red Tape; Allows Domestic Spying on Illegal Aliens for the First Time*

WASHINGTON, D.C. – U.S. Rep. Pete Hoekstra, R-Mich., the top Republican on the House Permanent Select Committee on Intelligence, today criticized House Democrats for approving legislation that lawyers-up terrorist surveillance and restores burdensome FISA restrictions that previously crippled the ability of America's intelligence agencies to spy on al-Qaeda.

“The focus of our nation's terror surveillance laws should be protecting our homeland and preventing the next attack,” Hoekstra said. “Instead, Democrats have focused on baseless claims by advocacy groups and providing trial lawyers more work. As a result, America's intelligence professionals and troops will be forced to battle bureaucracy and lawyers at the same time as they fight Osama bin Laden and al-Qaeda.

“Congress should be listening to our nation's intelligence professionals and troops—those who we entrust with keeping America safe— about what they need, not outside interest groups that bear no responsibility for the same.”

H.R. 3773 adds several new burdensome restrictions on terror surveillance and intelligence collection and creates several new troubling firsts. For the first time, surveillance will be limited to situations where the intelligence community can predict with certainty that a foreigner will not call the United States or a U.S. citizen. The bill also directs the intelligence community to create a potentially civil-liberties shattering, centralized database to track information on Americans incidentally collected as part of foreign surveillance and report it to Congress. This type of information is normally blacked out by American intelligence agencies to protect people's privacy.

The so-called RESTORE Act also will allow the intelligence community for the first time to spy on undocumented aliens on U.S. soil, something the current Foreign Intelligence Surveillance Act prohibits. Hoekstra warned that while some may support such a provision, the Democrat bill creates a situation where foreign terrorists have more protections and rights under the law than American criminals and illegal aliens.

“We are extending greater rights to terrorists overseas, but reducing them for people who are actually on U.S. soil,” Hoekstra said. “Why should people in the U.S have fewer rights than those we have actually identified as terrorists? This is an ill-conceived and poorly thought out provision—Democrats have taken a bad bill and made it worse.”

It also establishes for the first time two sets of rules to govern electronic surveillance—one for national security and another for foreign affairs—that threatens to damage intelligence collection during unforeseen international crises.

The bill further burdens the military in a time of war with first-time restrictions, including submission of overseas surveillance requests to the FISA Court. It also does nothing to protect soldiers in need. Even in emergency situations, intelligence agencies still will have to spend critical time building complex FISA cases to conduct surveillance to assist troops in danger.

“Some seem to think that lawyers and judges have a role on the battlefield,” Hoekstra said. “But this bill should be about protecting troops fighting for our country, not lawyers. Unlike the Protect America Act, the RESTORE Act will not help our troops or streamline intelligence collection to help prevent the next attack.”

Hoekstra went on to note that H.R. 3773 failed to include liability protection for patriotic companies that may have assisted the government after 9/11.

“Instead of applauding companies that have helped prevent attacks for more than six years after 9/11, this bill permits meritless lawsuits by trial lawyers seeking to cash in at America’s expense,” Hoekstra added. “Congress should help those that help America.”